

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CESILIA VANEGAS, et al.

Plaintiffs,

vs.

Case No.: 15-cv-2298-PWG

DIAZ GRANADOS, INC., et al.

Defendants.

MOTION FOR DEFAULT JUDGMENT

Plaintiffs Cecilia Vanegas, Milena Acosta, Yendy Gonzales, and Ana Xiomara Velasquez herein request Default Judgment against Diaz Granados, Inc. and Francis J. Diaz pursuant to Fed. R. Civ. P. 55. In support thereof, Plaintiffs state as follows:

1. Plaintiffs initiated this matter by filing a Complaint on August 5, 2015.
2. Defendant Diaz Granados, Inc. was served on August 8, 2015. *See* ECF Docket Entry 6.
3. Defendant Francis Diaz was served on September 16, 2015. *See* ECF Docket Entry 7.
4. On September 1, 2015, Francis Diaz, without communicating with Plaintiffs or Plaintiffs' counsel, wrote the Court asking for additional time to find an attorney. *See* ECF Docket Entry 5.
5. An Order of Default was entered against both Defendants on May 18, 2016. *See* ECF Docket Entry 11.

I. Plaintiff Vanegas

6. Plaintiff Cesilia Vanegas worked for Defendants from August of 2010, until August 5, 2015. *See* Declaration of Cesilia Vanegas attached hereto as Exhibit 1 at ¶ 2.

7. Plaintiff Vanegas worked six days a week for a total of 72 hours each week. Exhibit 1 at ¶ 5.

8. Plaintiff Vanegas was paid a weekly salary of \$215.00. Exhibit 1 at ¶ 6. Plaintiff Vanegas, therefore was only paid \$5.38 per hour.

9. In the three years preceding the filing of this lawsuit, Plaintiff Vanegas worked 156 weeks. Exhibit 1 at ¶ 9.

10. Plaintiff Vanegas is therefore owed wages in the amount of \$75.00 per week for straight time, and \$348.00 per week for overtime wages. Over 156 weeks, Plaintiff Vanegas is owed \$11,700.00 for straight time wages, and \$54,288.00 for overtime wages totaling \$65,988.00 in damages. Under the FLSA, with double damages, Plaintiff Venegas is owed \$131,976.00 in total damages, plus attorneys' fees and costs.

II. Plaintiff Acosta

11. Plaintiff Milena Acosta worked for Defendants from August of 2010, until August 5, 2015. *See* Declaration of Milena Acosta attached hereto as Exhibit 2 at ¶ 2.

12. Plaintiff Acosta worked five days a week for a total of 68 hours each week. Exhibit 2 at ¶ 5.

13. Plaintiff Acosta was paid a weekly salary of \$215.00. Exhibit 2 at ¶ 6. Plaintiff Acosta, therefore was only paid \$5.38 per hour.

14. In the three years preceding the filing of this lawsuit, Plaintiff Acosta worked 106 weeks. Exhibit 2 at ¶ 9.

15. Plaintiff Acosta is therefore owed wages in the amount of \$75.00 per week for straight time, and \$304.50 per week for overtime wages. Over 106 weeks, Plaintiff Acosta is owed \$7,950.00 for straight time wages, and \$32,277.00 for overtime wages totaling \$40,227.00 in damages. Under the FLSA, with double damages, Plaintiff Acosta is owed \$80,454.00 in total damages, plus attorneys' fees and costs.

III. Plaintiff Gonzalez

16. Plaintiff Yendy Gonzalez worked for Defendants from August of 2013, until August 5, 2015. *See* Declaration of Yendy Gonzalez attached hereto as Exhibit 3 at ¶ 2.

17. Plaintiff Gonzalez worked five days a week for a total of 64 hours each week. Exhibit 3 at ¶ 5.

18. Plaintiff Gonzalez was not paid any wages. Exhibit 3 at ¶ 6.

19. In the three years preceding the filing of this lawsuit, Plaintiff Gonzalez worked 106 weeks. Exhibit 3 at ¶ 9.

20. Plaintiff Gonzalez is therefore owed wages in the amount of \$290.00 per week for straight time, and \$261 per week for overtime wages. Over 106 weeks, Plaintiff Gonzalez is owed \$7,950.00 for straight time wages, and \$27,666.00 for overtime wages totaling \$58,406.00 in damages. Under the FLSA, with double damages, Plaintiff Gonzalez is owed \$116,812.00 in total damages, plus attorneys' fees and costs.

IV. Plaintiff Velasquez

21. Plaintiff Ana Xiomara Velasquez worked for Defendants from August of 2010, until August 5, 2015. *See* Declaration of Ana Xiomara Velasquez attached hereto as Exhibit 4 at ¶ 2.

22. Plaintiff Velasquez worked six days a week for a total of 72 hours each week. Exhibit 4 at ¶ 5.

23. Plaintiff Velasquez was paid \$600.00 per week. Exhibit 4 at ¶ 6.

24. In the three years preceding the filing of this lawsuit, Plaintiff Velasquez worked 156 weeks. Exhibit 4 at ¶ 9.

25. Plaintiff Velasquez is therefore owed wages in the amount of \$720 per week for overtime wages. Over 156 weeks, Plaintiff Velasquez is owed \$112,320.00 for overtime wages. Under the FLSA, with double damages, Plaintiff Velasquez is owed \$224,640.00 in total damages, plus attorneys' fees and costs.

Conclusion

WHEREFORE, Plaintiffs respectfully request that Default Judgment be entered on behalf of all Plaintiffs against all Defendants jointly and severally in the amount of \$553,882.00, along with attorneys' fees and costs to be demonstrated by declaration of counsel, pursuant to Fed. R. Civ. P. 55(a)

Respectfully submitted,

/s/

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